



General Assembly

January Session, 2001

Amendment

LCO No. 8161

Offered by:

SEN. COOK, 18th Dist.

SEN. PETERS, 20th Dist.

SEN. WILLIAMS, 29th Dist.

REP. WINKLER, 41st Dist.

REP. URBAN, 43rd Dist.

To: Senate Bill No. 878

File No. 422

Cal. No. 301

***"AN ACT CONCERNING A COASTAL RESOURCES ADVISORY
COUNCIL."***

1 In line 1, before "(NEW)", insert "Section 1."

2 After line 29, insert the following:

3 "Sec. 2. Section 26-194 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) The Commissioner of Agriculture may lease in the name of the
6 state, under such regulations as [he] the commissioner may prescribe
7 and for a period not longer than ten years, all shellfish areas that have
8 been conveyed to the state or placed under state jurisdiction by the
9 town of West Haven and any undesignated grounds, within the
10 exclusive jurisdiction of the state, for the purpose of planting and
11 cultivating shellfish. The authority herein conferred shall include the

12 Cormell Reef, Portchester, Great Captain's Island, Field Point and
13 Greenwich Point natural beds as located and described in section 3295
14 of the general statutes, revision of 1918. Any person desiring to lease
15 grounds for such purpose shall make application in writing to the
16 commissioner and all grounds leased by authority of the provisions of
17 this section shall be leased to the highest responsible bidder, for a
18 minimum fee of two dollars per acre. The form of such application and
19 lease shall be approved by the Attorney General, and all such leases
20 shall be recorded in the records of the commissioner. No lease shall be
21 granted to a resident of a state which does not lease shellfish grounds
22 to residents of this state, except that any nonresident who was granted
23 a lease on or before October 1, 1985, may, upon the expiration of such
24 lease, apply for a renewal or further lease as provided in this section.
25 The commissioner shall grant any such lease to nonresidents upon the
26 same terms and conditions as to residents of this state. Any lessee or
27 holder of oyster ground, on the expiration of any lease thereof which
28 has been or which may be granted, shall, upon application to the
29 commissioner, have the preference in the reletting of such ground for a
30 like term to that granted in the original lease, unless such applicant, at
31 the time for granting such application, is in arrears for rent on the
32 original lease of such ground. Such application for such renewal or
33 further lease shall be granted without notice or advertisement of the
34 pendency thereof; provided no renewal or further lease of such ground
35 shall be granted when the commissioner, for cause, ceases to lease such
36 ground for oyster culture. All assignments or transfers of leases shall
37 be subject to the approval of the commissioner and shall be recorded in
38 [his] the commissioner's records. Any person who interferes with,
39 annoys or molests another in the enjoyment of any lease authorized by
40 the provisions of this section shall be subject to the penalties provided
41 in section 26-237. Any person who leases, between July 1, 2000, and
42 July 1, 2001, a shellfish area that is located east of the Connecticut
43 River, upon altering such lessee's activities in a shellfish area, by
44 expanding the intensity of such activity by twenty-five per cent within
45 the lease area, or by changing the technology used to harvest shellfish
46 within the lease area, as stated in the original application for a lease,

47 shall notify the commissioner, in writing, of such alteration. Upon
48 review of such notification, the commissioner may terminate said lease
49 or may require the lessee to submit a new permit application. Any
50 alterations to activities during the lease term must comply with the
51 Connecticut coastal zone management plan. The provisions of sections
52 26-212, 26-215 and 26-232 shall not apply to any shellfish grounds
53 leased pursuant to the provisions of this section.

54 (b) The commissioner may designate an agent within the
55 department to exercise the authority of said commissioner under this
56 section.

57 Sec. 3. The Commissioner of Agriculture shall adopt regulations, in
58 accordance with the provisions of chapter 54 of the general statutes,
59 that set criteria for, and limits on, various methods of shellfish
60 technology that may be utilized under a lease pursuant to section 26-
61 194 of the general statutes. Such criteria and limits shall reflect
62 categories of gear used for shellfishing, shellfish hatcheries and use of
63 shellfish beds."